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# IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## Note by the Secretary-General

The Secretary-General has the honour to transmit herewith the nineteenth report of the International Labour Organisation under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with the Economic and Social Council resolution 1988 (LX).

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# PART I

## Introduction

The present report has been established according to the arrangements approved by the Governing Body of the International Labour Office[1] to give effect to resolution 1988 (LX) of 11 May 1976 of the United Nations Economic and Social Council requesting specialised agencies to submit reports in accordance with Article 18 of the International Covenant on Economic, Social and Cultural Rights, on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. According to these arrangements, the International Labour Office is entrusted with the task of communicating to the United Nations, for presentation to the Committee on Economic, Social and Cultural Rights, information on the results of the operation of various ILO supervisory procedures in the fields covered by the Covenant. It should remain open for the Committee of Experts on the Application of Conventions and Recommendations to report on particular situations whenever it deems this desirable or when specifically requested to do so by the Committee on Economic, Social and Cultural Rights.

The report will follow the approach adopted since 1985, and will contain in Part II: (a) indications concerning the principal ILO Conventions relevant to Articles 6-10 and 13 of the Covenant; and (b) indications concerning ratifications of these Conventions and comments made by ILO supervisory bodies with regard to the application of these Conventions by the States concerned (in so far as the points at issue appear to have a bearing also on the provisions of the Covenant). The latter indications are based mainly on the comments of the Committee of Experts resulting from its examination of the reports on the Conventions in question. Account was also taken of the conclusions and recommendations adopted under constitutional procedures for the examination of representations or complaints and, in the case of Article 8 of the Covenant, of the conclusions and recommendations of the Committee on Freedom of Association of the ILO Governing Body following examination of complaints alleging violation of trade union rights.[2]

The list of countries for which information has been provided in the present report appears in the table of contents. A recapitulatory list of States Parties to the Covenant and of ILO reports containing information concerning them will be found in the Annex.

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[1] Decisions of the Governing Body at its 201st Session (November 1976) and at its 236th Session (May 1987).

[2] Information on the procedures and machinery for the implementation of ILO standards, including the operation of its supervisory bodies, can be found in UN Action in the Field of Human Rights (United Nations publication, New York, 1988, Sales No. E.88 XIV.2), Chapter XIV, section D.1. Further information can be found in a document submitted to the World Conference on Human Rights, published as UN document A/CONF.157/PC/6/Add.3.

## PART II

### A. Principal ILO Conventions relevant to Articles 6-10 of the Covenant

The following is a list of the principal ILO Conventions relevant to each of Articles 6-10 and 13 of the Covenant.[3] Indications on the ratification of these Conventions by each State concerned are given in section B of this part (indications concerning the situation of individual countries).

#### Article 6 of the Covenant

Unemployment Convention, 1919 (No. 2)
Forced Labour Convention, 1930 (No. 29)
Fee-Charging Employment Agencies Convention, 1933 (No. 34)
Employment Service Convention, 1948 (No. 88)
Fee-Charging Employment Agencies Convention, 1949 (No. 96)
Abolition of Forced Labour Convention, 1957 (No. 105)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)
Employment Policy Convention, 1964 (No. 122)
Paid Educational Leave Convention, 1974 (No. 140)
Human Resources Development Convention, 1975 (No. 142)
Workers with Family Responsibilities Convention, 1981 (No. 156)
Termination of Employment Convention, 1982 (No. 158)
Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
Employment Promotion and Protection Against Unemployment Convention, 1988 (No. 168), Part II.

#### Article 7 of the Covenant

Remuneration

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)
Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99)
Minimum Wage-Fixing Machinery Convention, 1970 (No. 131)

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[3] There are in addition, particularly for Articles 7 and 9, a number of Conventions dealing with corresponding matters in particular occupational sectors (e.g. road transport, seafarers, fishermen, dockworkers, plantation workers, nursing personnel) or with particular categories of workers (e.g. migrant workers, indigenous and tribal peoples, workers in non-metropolitan territories). These Conventions are not included in the present list but are taken into account in the indications concerning the situation in individual countries.

Equal remuneration

Equal Remuneration Convention, 1951 (No. 100)

Rest, limitation of working hours and holidays with pay

Hours of Work (Industry) Convention, 1919 (No. 1)
Weekly Rest (Industry) Convention, 1921 (No. 14)
Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)
Forty-Hour Week Convention, 1935 (No. 47)
Holidays with Pay Convention, 1936 (No. 52)
Holidays with Pay (Agriculture) Convention, 1952 (No. 101)
Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
Holidays with Pay Convention (Revised), 1970 (No. 132)
Part-time Work Convention, 1994 (No. 175)

Safe and healthy working conditions

White Lead (Painting) Convention, 1921 (No. 13)
Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)
Protection Against Accidents (Dockers) Convention, 1929 (No. 28)
Protection Against Accidents (Dockers) Convention, 1932 (No. 32)
Safety Provisions (Building) Convention, 1937 (No. 62)
Labour Inspection Convention, 1947 (No. 81)
Radiation Protection Convention, 1960 (No. 115)
Guarding of Machinery Convention, 1963 (No. 119)
Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
Maximum Weight Convention, 1967 (No. 127)
Labour Inspection (Agriculture) Convention, 1969 (No. 129)
Benzene Convention, 1971 (No. 136)
Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
Occupational Safety and Health Convention, 1981 (No. 155)
Occupational Health Services Convention, 1985 (No. 161)
Asbestos Convention, 1986 (No. 162)
Safety and Health in Construction Convention, 1988 (No. 167)
Chemicals Convention, 1990 (No. 170)
Night Work Convention, 1990 (No. 171)

Article 8 of the Covenant

Right of Association (Agriculture) Convention, 1921 (No. 11)
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
Workers' Representatives Convention, 1971 (No. 135)
Rural Workers' Organizations Convention, 1975 (No. 141)
Labour Relations (Public Service) Convention, 1978 (No. 151)
Collective Bargaining Convention, 1981 (No. 154)

## Article 9 of the Covenant

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)
Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
Sickness Insurance (Industry) Convention, 1927 (No. 24)
Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35)
Old-Age Insurance (Agriculture) Convention, 1933 (No. 36)
Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37)
Invalidity Insurance (Agriculture) Convention, 1933 (No. 38)
Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39)
Survivors' Insurance (Agriculture) Convention, 1933 (No. 40)
Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)
Unemployment Provisions Convention, 1934 (No. 44)
Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)
Social Security (Minimum Standards) Convention, 1952 (No. 102)
Equality of Treatment (Social Security) Convention, 1962 (No. 118)
Employment Injury Benefits Convention, 1964 (No. 121)
Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)
Medical Care and Sickness Benefits Convention, 1969 (No. 130)
Maintenance of Social Security Rights Convention, 1982 (No. 157)
Employment Promotion and Protection Against Unemployment, 1988 (No. 168)

## Article 10 of the Covenant

(a) Maternity protection (re paragraph 2)

Maternity Protection Convention, 1919 (No. 3)
Maternity Protection Convention (Revised), 1952 (No. 103)

(b) Protection of children and young persons in relation to employment and work (re paragraph 3)

Minimum Age (Industry) Convention, 1919 (No. 5)
Minimum Age (Sea) Convention, 1920 (No. 7)
Minimum Age (Agriculture) Convention, 1921 (No. 10)
Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)
Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)
Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)
Minimum Age (Fishermen) Convention, 1959 (No. 112)
Social Policy (Basic Aims and Standards) Convention, 1952 (No. 117)
Minimum Age (Underground Work) Convention, 1965 (No. 123)
Minimum Age Convention, 1973 (No. 138)
Night Work of Young Persons (Industry) Convention, 1919 (No. 6)
Night Work (Bakeries) Convention, 1925 (No. 20)
Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)
Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
White Lead (Painting) Convention, 1921 (No. 13) (Article 3)
Radiation Protection Convention, 1960 (No. 115) (Article 7)

Maximum Weight Convention, 1967 (No. 127) (Article 7)
Benzene Convention, 1971 (No. 136) (Article 11)
Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
Medical Examination (Seafarers) Convention, 1946 (No. 73)
Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
Medical Examination (Fishermen) Convention, 1959 (No. 113)
Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)

Article 13 of the Covenant

Human Resources Development Convention, 1975 (No. 142)

## B. Indications concerning the situation of individual countries

For each Article of the Covenant under consideration, these indications show the state of the ratificatons of the corresponding Conventions by the country in question, and references to the relevant comments of the supervisory bodies with regard to the application of these Conventions. Full copies of the comments of the Committee of Experts are appended (in English, French and Spanish), and should be consulted for further details.

The absence of any such references signifies either that there are no comments at the present time regarding the application of a particular Convention, or that the comments that have been made deal with points not relating to the provisions of the Covenant or to matters (for example, simple requests for information) which it would not appear to be necessary to deal with at this stage, or again that the government's reply concerning the application of a Convention on which comments had been made has not yet been examined by the Committee of Experts.

When references are made to the "observations" of the Committee of Experts, their texts are published in the report of the Committee for the same year (Report III (Part 4A) of the corresponding session of the International Labour Conference). In addition, comments have been formulated in requests for information addressed directly by the Committee of Experts to the governments in question; such comments are not published but the text is made available to the interested parties.

1. Situation concerning Articles 6-9 of the Covenant

## KOREA

Information concerning Korea has not been supplied previously.

The following relevant Convention has been ratified and is in force for Korea (for full name see the list of Conventions in Part II A above): Convention No. 122.

Article 6

The first report on Korea's application of the Employment Policy Convention, 1964 (No. 122) has been received and is due to be examined by the ILO Committee of Experts at its next session.

Article 8

Although Korea has not ratified the ILO's freedom of association Conventions, it is the subject of a complaint concerning violations of the right to strike and to bargain collectively before the Governing Body Committee on Freedom of Association. Case No. 1789 was presented by the International Federation of Organizations of Metal Workers (IFMW) and is supported by the International Confederation of Freed Trade Unions (ICFTU); the Committee on Freedom of Association, at its March 1995 Session, requested the complainants to confirm that the trade union reached an agreement with the Daewoo company and has withdrawn its complaint.

In addition, at its March 1995 Session, the Committee on Freedom of Association examined follow-up information supplied by the Government of Korea on Case No. 1629, involving the death and detention of trade unionists as well as restrictive legislation on trade union rights. While regretting lack of follow-up on some issues, the Committee again asked the Government to take steps to ensure the amendment of all legislative provisions raised in this case so as to bring them into conformity with the principles of freedom of association.

## PANAMA

Information concerning Panama has been supplied on numerous previous occasions, most recently in 1992.

The following relevant Conventions have been ratified and are in force for Panama (for full names see the list of Conventions in Part II A above): 3, 10, 11, 12, 13, 15, 17, 19, 20, 26, 27, 29, 30, 32, 42, 52, 58, 81, 87, 88, 96, 98, 100, 105, 111, 112, 117, 119, 120, 122, 123 and 127.

Article 6

In its 1992 observation on the Forced Labour Convention, 1930 (No. 29), the Committee of Experts noted that the Ministry of Labour and Social Welfare has prepared a draft Bill to repeal certain sections of the Administrative Code which were in violation of this Convention. The Committee hoped that the Bill would be adopted rapidly so that compulsory labour cannot be imposed by administrative authorities or other non-judicial bodies; it also asked to receive a copy of the text.

Article 7

In its 1994 observation on the Hours of Work (Commerce and Offices) Convention, 1930, (No. 30), the Committee of Experts noted that a tripartite committee for cooperation in social and labour matters had been set up in 1992, among other things, to harmonize the Labour Code with the requirements of the Convention concerning permissable hours of overtime in commerce and offices; it asked the Government to keep it informed of developments in the tripartite committee in this respect.

In its 1994 observation on the Holidays with Pay Convention, 1936 (No. 52), the Committee of Experts noted with interest the detailed study undertaken on payment in kind with respect to the application of the Convention; as regards a possible amendment to the Labour Code to clarify that workers covered by this Convention may take an annual holiday with pay of at least 6 working days, the Committee noted that the Government was still examining this possibility and asked to be kept informed of developments that would bring the national legislation into conformity with the Convention.

Article 8

In its 1993 observation on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee of Experts noted with interest that some progress had been made with respect to the powers of the authorities over administrative aspects of trade union organizations and the right to strike. However, it expressed the strong hope that the Government would take the necessary measures to bring the national legislation more fully into conformity with the Convention on the following outstanding points: the exclusion of public servants from the scope of the Labour Code; the requirement of too high a number of members for the establishment of an occupational organization; the requirement that 75% of trade union members be Panamanian; and the automatic removal from office of a trade union officer in the event of his or her dismissal.

In its 1994 observation on the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Committee of Experts noted with satisfaction that Act No. 2 of 1993 re-established the free exercise of collective bargaining and that Act No. 25 of 1992 provides that the common standards set out in the Labour Code shall apply to labour relations in export processing zones. However, it once again urged the Government to take steps to ensure that public servants covered by this Convention, namely those not engaged in the administration of the State, enjoy the right to bargain collectively.

Article 9

In its 1994 observation on Workmen's Compensation (Accidents) Convention, 1925 (No. 17), the Committee of Experts, in the absence of a report from the Government, was obliged to repeat its previous observation in which it noted that a draft Bill to amend certain sections of the Labour Code which are not in conformity with the Convention has still not been adopted. It requested the Government to inform it of developments concerning the adoption of the Bill.

*

The Committee furthermore addressed direct requests to Panama in 1992 on Conventions Nos. 105 and 117; in 1993 on Conventions Nos. 3, 32, 87, 96, and 111; and in 1994 on Conventions Nos. 98, 100, 122 and 127.

## PHILIPPINES

Information concerning Philippines was supplied in 1978 and 1985.

The following relevant Conventions have been ratified and are in force for Philippines (for full names see list of Conventions in Part II A above): Nos. 17, 19, 87, 88, 98, 99, 100, 105, 111, 118, 122, 141, 157, and 159.

Article 6

In its 1994 observation under the Employment Service Convention, 1948 (No. 88), the Committee of Experts noted in particular the 75 public employment service offices that have been established in coordination with the local government units and non-governmental organizations, such as labour and employer organizations. However, the Committee also referred the Government to Articles 4 and 5 of the Convention providing for the establishment of advisory committees, with equal numbers of employers' and workers' representatives, to be consulted in matters dealing with employment service policy.

In its 1993 observation under the Abolition of Forced Labour Convention, 1957 (No. 105), the Committee of Experts referred to its previous comments on the use of compulsory arbitration to end a collective labour dispute. In case of a planned or current strike in an industry considered indispensable to the national interest, the Secretary of Labour and Employment may assume jurisdiction over the dispute and submit it to compulsory arbitration, thus rendering strikes in such cases illegal; participation in illegal strikes is sanctioned by imprisonment, involving compulsory labour. The Committee recalled that any compulsory arbitration, enforceable with penalties involving an obligation to perform labour, must be restricted to essential services where the strike would endanger the life, personal safety and health of the entire population. Noting that the Government had recently sought the ILO's technical assistance to revise the national labour legislation, the Committee hoped that the Government would take measures to bring the legislation into conformity with the Convention.

Article 7

In relation to the Equal Remuneration Convention, 1951 (No. 100), the Committee of Experts noted with interest in its 1994 observation the measures taken by the Department of Labour and Employment to implement the Philippine Development Plan for Women (1989-1992), giving priority to the promotion of equal opportunity in employment.

Article 8

In its 1993 observation under the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee of Experts continued its comments on a number of Labour Code provisions that were not in conformity with the Convention: the requirement that a minimum of 20 per cent of the workers in a bargaining unit are members of a union for the union to be registered; the requirement of an exessively high number of unions to establish a federation or a central organization; the prohibition of aliens from engaging in any trade union activity; the restriction on the right to strike in non-essential services as a result of compulsory arbitration decided upon by the Secretary of Labour and Employment in case of a planned or current strike in an industry considered indispensable to the national interest; and certain penalties for participation in illegal strikes. However, noting the progress towards adopting a new Civil Service Code and the Government's request for ILO technical assistance to reform the labour legislation, the Committee of Experts trusted that the labour laws will be brought into conformity with the Convention.

*

In addition, the Committee on Freedom of Association of the ILO Governing Body reached, at its 261st Session (November 1994), a final decision in Case No. 1718, concerning allegations against the Government made by the Drug, Food and Allied Workers' Federation (DFA) concerning non-observance of the workers' right to strike. The Committee concluded that the provisions allowing the enforcement of compulsory arbitration as a mean to end a collective labour dispute in other areas than in essential services and the dismissal of trade union officials as a penalty for participating in strikes considered as illegal, are contrary to the principles of freedom of association.

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The Committee furthermore addressed direct requests to the Philippines in 1993 on Conventions Nos. 87, 99, 105, 111 and 141, and in 1994 on Conventions Nos. 98, 100 and 122.

## PORTUGAL

Information concerning Portugal has not been supplied previously.

The following relevant Conventions have been ratified and are in force for Portugal (for full names see the list of Conventions in Part II A above): 1, 11, 12, 14, 17, 18, 19, 26, 27, 29, 81, 87, 88, 96, 98, 100, 103, 105, 106, 111, 120, 122, 127, 129, 131, 132, 135, 142, 148, 151, 155 and 156.

Article 6

In its 1994 observation on the Employment Policy Convention, 1964 (No. 122), the Committee of Experts noted an increase in registered unemployment between 1990 and 1992 of 2.7% and asked for data on the level and trends of employment for 1992-94 which, according to OECD forecasts could see a rapid deterioration in the unemployment situation. It noted with interest the information concerning the implementation of the System of Incentives for Industrial Diversification in the Vale do Ave (SINDAVE), but generally hoped that future reports would not be confined to labour market and training policies and would also refer to overall economic policies. For example, the Committee asked for information on the "convergence programme" for 1992-95 which defines a medium-term economic strategy with a view to accession to the European Economic and Monetary Union. It noted the involvement of the social partners, evidenced by the signing of an Agreement on Vocational Training Policy, as well as the creation in 1991 of an Economic and Social Council having a role in the framing and implementation of employment policies.

Article 7

In its 1994 observation on the Maximum Weight Convention, 1967 (No. 127), the Committee of Experts noted with satisfaction that section 8 of Legislative Decree No. 330 of 1993 to issue minimum health and safety requirements for the manual transport of loads provides that employers shall provide to workers and their representatives information on the risks and characteristics of the load and shall ensure that adequate training is supplied. The Committee hoped that the Government would continue to take measures to ensure, as far as possible, that women workers and young workers are not engaged in the manual transport of loads.

In its 1994 observation on the Occupational Safety and Health Convention, 1981 (No. 155), the Committee of Experts noted with satisfaction the adoption of Legislative Decree No. 441/91 of 1991 establishing general principles for the promotion of occupational safety and health, and Legislative Decree No. 219/93 of 1993 which creates the Institute for the Inspection of Working Conditions (IDICT).

Article 8

In its 1994 observation on the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Committee of Experts noted with satisfaction that Legislative Decree No. 209/92 of 1992 repealed section 24 of Legislative Decree No. 519/C1/79 to delete reference to the prior authorization required from the Minister for the entry into force of a collective agreement in public enterprises.

In its 1994 observation on the Labour Relations (Public Service) Convention, 1978 (No. 151), the Committee of Experts noted the comments of the National Federation of Public Service Unions and the reply of the Government concerning the lack of consultation with concerned trade unions over legislation adopted in 1992. It concluded that there had been no violation of the ILO Convention.

*

The Governing Body Committee on Freedom of Association has been seized of a complaint by the General Union of Workers (UGT) concerning violations of the right to strike (Case No. 1782). The Government's observations having been received only recently, the Committee intends to examine this case at its next meeting (June 1995). It also examined, at its March 1995 meeting Case No. 1766, presented by the National Trade Union of Workers in the Post and Telecommunications (SNTTC), alleging violation of the right to collective bargaining. It concluded that there had been none infringement of any collective agreement in force and that the case did not call for any further examination.

Article 9

In its 1992 observation on Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), the Committee of Experts noted with interest that the Government intends to bring the regulations concerning industrial accidents into conformity with the ILO Convention; it asked, however, for information on progress in applying the Convention to foreign workers who are employed by a foreign enterprise and who have a right to compensation in their home countries who are excluded from coverage under Act No. 21/27 of 1965.

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The Committee furthermore addressed direct requests to Portugal in 1991 on Convention No. 132; in 1993 on Conventions Nos. 87, 111 and 142; and in 1994 on Conventions Nos. 81, 100, 129, 148, 155 and 156.

## SURINAME

Information concerning Suriname was supplied in 1994.

The following relevant Conventions have been ratified and are in force for Suriname (for full names see list of Conventions in Part II A above): Nos. 11, 13, 14, 17, 19, 27, 29, 42, 62, 81, 87, 88, 96, 101, 105, 106, 112, 118, 122, 135 and 151.

Article 7

In its 1994 observation under the Labour Inspection Convention, 1947 (No. 81) the Committee of Experts noted with interest that, with the technical assistance of the ILO, the Government is taking measures as to revise the labour legislation and improve the labour inspection service. However, the Committee of Experts expressed its concern about the insufficient statistical data available and the absence of annual reports from the labour inspection service since 1987 and asked that measures be taken for their publication and transmission to the ILO within the required time-limits.

Article 9

In its 1994 observation under the Workmen's Compensation (Accidents) Convention, 1925 (No. 17) the Committee of Experts noted the Government's information on the measures being taken towards the establishment of a national social security programme in conformity with international obligations. Furthermore, the Committee noted the call for ILO assistance. It asked the Government to indicate any progress achieved in the matter in its next report.

In its 1994 observation under the Workmen's Compensation (Occupational Diseases) Convention, 1934 (No. 42) the Committee of Experts repeated its hope that, with the technical assistance of the ILO, the Government would revise its labour legislation, so that the existing list of occupational diseases include among the activities likely to cause anthrax infection the "loading and unloading or transport of merchandise" in general, in accordance with the Convention.

In its 1994 observation under the Equality of Treatment (Social Security) Convention, 1962 (No. 118) the Committee of Experts noted that the Government has asked the ILO for assistance to revise the labour legislation. The Committee of Experts once again hoped that the Government, in revising the national legislation, would ensure that employment injury pensions must be paid with no restrictions also in cases where the beneficiary resides abroad.

*

The Committee of Experts furthermore addressed direct requests to Suriname in 1992 on Conventions Nos. 13 and 62, in 1993 on Conventions Nos. 105, 112 and 122 and in 1994 on Conventions Nos. 29 and 88.

## SWEDEN

Information concerning Sweden was supplied in 1978 and in 1985.

The following relevant Conventions have been ratified and are in force for Sweden (for full names see list of Conventions in Part II A above): Nos. 2, 11, 12, 13, 14, 19, 27, 29, 47, 81, 87, 88, 98, 100, 101, 102, 105, 111, 115, 118, 119, 120, 121, 122, 128, 129, 130, 132, 135, 140, 141, 142, 148, 151, 152, 154, 155, 156, 157, 158, 159, 161, 162, 168, and 170.

Article 6

In its 1994 observation under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) the Committee of Experts noted the information supplied by the Government on the Equal Opportunities Act of 1992 and the amendments made to the instructions for the Equal Opportunities Ombudsman and the Equal Opportunities Commission; it asked the Government to provide further information on the pratical application of the Act. Further, the Committee noted the various measures taken to facilitate the adjustment of immigrants to working life. It took particular interest in the proposed adoption of a new Act against ethnic discrimination at work which would prohibit discrimination in recruitment and employment, on the basis of race, colour, national or ethnic origin or creed. In addition, a Discrimination Ombudsman would be given certain enforcement functions to this respect. The Committee asked the Government to keep it informed of the adoption of this legislation.

In its 1994 observation under the Employment Policy Convention, 1964 (No. 122) the Committee of Experts noted the information provided by the Government on the measures taken to decrease the accelerated growth in unemployment and the indication that priority was given to overcome inflation and to redress the balance of public finance in order to acheive economic growth and following reduced unemploymwent. It also noted the comments of the Swedish Trade Union Confederation (LO), suggesting that the present economic policy would on the contrary reduce employment. Further, the Committee noted that the Government planned to simplify the labour legislation to stimulate small-scale business and reminded the Government in doing so, to take into account the provisions of the Termination of Employment Convention, 1982 (No. 158). The Committee also noted that the Government had introduced an experimental programme of practical training in an enterprise for unemployed under 25 years of age, but that the Swedish Trade Union Confederation (LO) was critical of its design and implementation, suggesting that the programme has been misused to provide free labour for enterprises. The Committee asked the Government to inform it on the measures taken to prevent such abuse. Noting that the Governing Body of the National Labour Market Board sincce 1992 no longer has a tripartite structure and the Government's indication that tripartite discussions with the social partners now take place in advisory councils and specialized committees, the Committee asked the Government to provide full information on the new consulting procedures.

Article 8

A complaint was submitted under article 26 of the ILO Constitution against Sweden by the Employers' delegate of Sweden to the 78th (1991) Session of the International Labour Conference alleging non-observance by Sweden of thr Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) and the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147). In February 1993, the Government appointed an investigator to explore and analyse the problems surrounding the question. At its November 1993 Session, the ILO Governing Body took note of the Government's information concerning consultations entered into and measures taken in relation to the complaint and decided to await further information from the Government on the results of that investigation before deciding on any course of action. The final report of the investigator having now been communicated, the Governing Body, at its March 1995 Session, is to take a decision on the case.

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The Committee of Experts furthermore addressed direct requests to Sweden in 1991 on Convention No. 132, in 1993 on Conventions Nos. 87, 128, 152 and 157, and in 1994 on Conventions Nos. 111, 121, and 168.

2. Situation concerning Articles 10 and 13 of the Covenant

**KOREA**

The ILO has not previously provided information on the application by Korea of these Articles.

The following relevant Convention has been ratified and is in force for Korea (for full name see list of Conventions in Part II A above): No. 73.

Article 10

The first report on Korea's application of the Medical Examination (Seafarers) Convention, 1946 (No. 73) has been received and is due to be examined by the ILO Committee of Experts at its next session.

**PANAMA**

Information on Panama has been provided on a numerous previous occations, most recently in 1991.

The following relevant Conventions have been ratified and are in force for Panama (for full names see list of Conventions in Part II A

above): Nos. 3, 10, 13, 15, 20, 58, 112, 117, 123, and 127.

Article 10

In its 1993 observation on the Maternity Protection Convention, 1919 (No. 3), the Committee of Experts noted that Act No. 25 of 1992 provides that the common standards set out in the Labour Code, as well as other legislation, shall apply to labour relations in export processing zones, and requested the Government to state whether women workers employed in export zones are now also covered by the maternity benefit provisions of the Social Security Fund (Legislative Decree No. 14 of 1954).

*

The Committee furthermore addressed direct requests to Panama in 1992 on Convention No. 117; in 1993 on Convention No. 3; and in 1994 on Convention No. 127.

## PHILIPPINES

The ILO has not previously provided information on the application by Philippines of these Articles.

The following relevant Conventions have been ratified and are in force for Philippines (for full names see list of Conventions in Part II A above): Nos. 59, 77, and 90.

Article 10

In its 1993 observation under the Minimum Age (Industry) Convention, 1937 (No. 59) the Committee of Experts noted that the Republic Act No. 7610 allows children below 15 years of age to be employed provided that the employer takes certain measures relating to the health and safety of the child. Recalling that the only exception to the minimum age for employment of child labour is in undertakings where only members of the family are employed and the previous information on a draft amendment to the Labour Code to bring the legislation in conformity with the Convention, the Committee requested the Government to provide information on measures adopted to this effect.

In its 1994 observation under the Night Work of Young Persons (Industry) Convention, 1948 (No. 90) the Committee of Experts hoped that the Government would take necessary measures in connection with the current review of the existing Labour Code to extend the prohibition of night work for young persons in the interval between 10 p.m. and 6 a.m. to cover a period of at least 12 consecutive hours, including this interval.

*

The Committee of Experts furthermore addressed a direct request to the Philippines in 1993 on Convention No. 59.

## PORTUGAL

The ILO has not previously provided information on the application by Portugal of these Articles.

The following relevant Conventions have been ratified and are in force for Portugal (for the full names see list of Conventions in Part II A above): Nos. 6, 7, 73, 77, 78, 103, 117, 124, 127, and 142.

Article 10

In its 1994 observation on the Night Work of Young Persons (Industry) Convention, 1919 (No. 6), the Committee of Experts noted that 1991 and 1993 legislation has not improved Legislative Decree No. 409 of 1971 which authorizes exceptions to the prohibition of night work in industry and allows for the determination of a "night period" inconsistent with the requirements of the Convention. It asked the Government to report on any measures under consideration to bring the legislation into conformity with the Convention.

*

The Committee furthermore addressed direct requests to Portugal in 1991 on Convention No. 117; in 1992 on Conventions Nos. 77 and 78; in 1993 on Convention No. 142; and in 1994 on Convention No. 103.

## SURINAME

The ILO provided information on the application by Suriname of these Articles in 1994.

The following relevant Convention has been ratified and is in force for Suriname (for the full name see list of Conventions in Part II A above): No. 112.

*

The Committee of Experts addressed a direct request to the Government in 1993 on Convention No. 112.

## SWEDEN

Information concerning Sweden was supplied in 1981 and in 1987.

The following relevant Conventions have been ratified and are in force for Sweden (for full names see list of Conventions in Part II A above): Nos. 13, 16, 73, 115, 138 and 142.

*

The Committee of Experts addressed a direct request to the Government in 1992 on Convention No. 13; in 1993 on Convention No. 115; and in 1994 on Convention No. 138.

## ANNEX

### Index of countries and of relevant information supplied by the ILO since 1978

| Country | Articles 6-9 (Document reference) | Article 10 (Document reference) |
|---|---|---|
| Afghanistan | E/1986/60<br>E/1989/6<br>E/1990/9<br>E/1991/4 | - |
| Argentina | E/1995/5 | E/1995/5 |
| Australia | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1986/60 |
| Austria | E/1988/6<br>E/1994/5 | E/1981/41<br>E/1987/59 |
| Barbados | E/1982/41 | E/1982/41 |
| Belgium | E/1994/63 | E/1994/63 |
| Bulgaria | E/1980/35<br>E/1985/63 | E/1983/40<br>E/1988/6 |
| Belarus, Republic of | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1987/59 |
| Cameroon | - | E/1988/6 |
| Canada | E/1982/41<br>E/1988/6<br>E/1989/6 | E/1994/5 |
| Chile | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1988/6 |
| Colombia | E/1979/33<br>E/1985/63 | E/1990/9 |
| Costa Rica | E/1990/9<br>E/1991/4 | E/1990/9 |
| Cyprus | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1986/60<br>E/1989/6 |
| Czech and Slovak Federal Republic | E/1979/33<br>E/1986/60 | E/1981/41<br>E/1987/59 |

| Country | Articles 6-9 (Document reference) | Article 10 (Document reference) |
|---|---|---|
| Denmark | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1987/59 |
| Dominican Republic | E/1990/9<br>E/1991/4 | E/1990/9<br>E/1991/4 |
| Ecuador | E/1978/27<br>E/1985/63 | E/1990/90<br>E/1991/4 |
| Finland | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1986/60 |
| France | E/1986/60 | E/1989/6 |
| German Democratic Republic | E/1978/27<br>E/1985/63 | E/1981/41<br>E/1987/59 |
| Germany, Federal Republic of | E/1979/33<br>E/1986/60 | E/1981/41<br>E/1987/59 |
| Hungary | E/1978/27<br>E/1985/63 | E/1986/60 |
| Iceland | E/1994/5 | - |
| India | E/1986/60 | - |
| Iran, Islamic Republic of | E/1978/27 | E/1994/5 |
| Iraq | E/1985/63 | E/1981/41<br>E/1986/60 |
| Italy | E/1982/41 | - |
| Jamaica | E/1980/35<br>E/1989/6 | E/1989/6 |
| Japan | E/1985/63 | E/1987/59 |
| Jordan | E/1987/59 | E/1987/59 |
| Kenya | E/1994/63 | E/1994/63 |
| Luxembourg | E/1990/9 | E/1990/9 |
| Madagascar | E/1981/41<br>E/1985/63 | E/1986/60 |

| Country | Articles 6-9 (Document reference) | Article 10 (Document reference) |
|---|---|---|
| Mexico | E/1985/63<br>E/1994/5 | E/1990/9<br>E/1994/5 |
| Mongolia | E/1978/27<br>E/1985/63 | E/1981/41<br>E/1987/59 |
| Morocco | E/1994/63 | E/1994/63 |
| Netherlands | E/1989/6 | E/1989/6 |
| Netherlands (Antilles) | E/1987/59 | - |
| New Zealand | E/1994/5 | - |
| Nicaragua | E/1986/60 | E/1994/5 |
| Norway | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1988/6 |
| Panama | E/1988/6<br>E/1989/6<br>E/1990/9<br>E/1991/4<br>E/1992/4 | E/1981/41<br>E/1988/6<br>E/1989/6<br>E/1991/4 |
| Peru | E/1985/63 | - |
| Philippines | E/1978/27<br>E/1985/63 | - |
| Poland | E/1979/33<br>E/1986/60 | E/1981/41<br>E/1987/59<br>E/1989/6 |
| Romania | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1988/6 |
| Rwanda | E/1985/63<br>E/1989/6 | E/1986/60 |
| Senegal | E/1994/5 | E/1981/41 |
| Spain | E/1980/35<br>E/1985/63 | E/1982/41<br>E/1986/60 |
| Suriname | E/1995/5 | E/1995/5 |
| Sweden | E/1978/27<br>E/1985/63 | E/1981/41<br>E/1987/59 |

| Country | Articles 6-9 (Document reference) | Article 10 (Document reference) |
|---|---|---|
| Syrian Arab Republic | E/1980/35<br>E/1990/9<br>E/1992/4 | E/1981/41<br>E/1990/9 |
| Tanzania | - | E/1981/41 |
| Trinidad and Tobago | E/1989/6 | E/1989/6 |
| Tunisia | E/1978/27 | E/1988/6<br>E/1989/6 |
| Ukrainian SSR | E/1979/33<br>E/1985/63 | E/1982/41<br>E/1986/60 |
| United Kingdom | E/1978/27<br>E/1985/63 | E/1981/41<br>E/1991/4<br>E/1995/5 |
| United Kingdom (Non-metropolitan territories) | E/1979/33<br>E/1985/63 | E/1982/41 |
| Uruguay | E/1994/5<br>E/1994/63 | E/1994/63 |
| USSR | E/1979/33<br>E/1985/63 | E/1981/41<br>E/1987/59 |
| Venezuela | E/1985/63 | E/1986/60 |
| Vietnam | E/1994/5 | - |
| Yemen | E/1990/9<br>E/1991/4 | E/1990/9<br>E/1991/4 |
| Yugoslavia | E/1983/40<br>E/1985/63 | E/1983/40 |
| Zaire | E/1988/6 | E/1988/6 |
| Zambia | - | E/1986/60 |